



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Hardigg Industries, Inc.

File: B-239879

Date: June 1, 1990

John C. Miller, for the protester.

DIGEST

Protest that award to the low bidder is improper because it is not a small business is without merit where the procurement was not set aside for small business.

DECISION

Hardigg Industries, Inc., protests award to the low bidder by Unicor Federal Prison Industries under invitation for bids (IFB) No. 27 PI 1861. Hardigg asserts that the procurement was set aside for small business and that the awardee, the low bidder, is not a small business.

We find no merit to this protest. The agency states that the procurement was not set aside for small business and we see nothing in the solicitation that indicates otherwise. In this regard, when a procurement is set aside the solicitation is required to contain the provision found at Federal Acquisition Regulation (FAR) § 52.219-6 entitled Notice of Total Small Business Set-Aside. See FAR § 19.508(c). This IFB does not contain that provision or any other comparable one. Accordingly, we have no basis to conclude that the procurement here was a small business set-aside; therefore, there is no basis to object to an award to a bidder that is not a small business.

The protest is dismissed.

Ronald Berger

Ronald Berger
Associate General Counsel

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